

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

SCOTT BOATNER PIERCE, #2089445 §
VS. § CIVIL ACTION NO. 6:16cv1211
TOOL CITY, ET. AL. §

MEMORANDUM OPINION ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ENTERING FINAL JUDGMENT

Plaintiff Scott Boatner Pierce, an inmate currently confined at the Bradshaw State Jail within the Texas Department of Criminal Justice proceeding *pro se* and *in forma pauperis*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983 alleging purported violations of his constitutional rights. Plaintiff is suing the Tool City Police Department, the Tool City Police Chief and a Tool City Detective, as well as Henderson County. The complaint was referred for findings of fact, conclusions of law, and recommendations for the disposition of the case.

On May 21, 2018, the Magistrate Judge issued a Report, (Dkt. #58), recommending that Defendants' motion for summary judgment (Dkt. #51), be granted and Pierce's civil rights complaint be dismissed with prejudice. A copy of this Report was sent to Pierce at his address; return receipt requested. The docket shows that Pierce received the Report on May 31, 2018, (Dkt. #59). However, to date, no objections to the Report have been filed.

Accordingly, Pierce is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Auto. Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly, it is

ORDERED that the Report of the Magistrate Judge, (Dkt. #58), is **ADOPTED** as the opinion of the Court. Further, it is

ORDERED that Defendants' motion for summary judgment, (Dkt. #51), is **GRANTED**. Further, it is

ORDERED that Plaintiff's civil rights complaint is **DISMISSED** with prejudice. Finally, it is

ORDERED that any and all motions which may be pending in this civil action are hereby **DENIED**.

So **ORDERED** and **SIGNED** this **16** day of **July, 2018**.



Ron Clark, United States District Judge